

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT / JP2004 / 01463 /

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has, within the applicable time limit:
- ☒ paid additional fees
  - ☐ paid additional fees under protest and, where applicable, the protest fee
  - ☐ paid additional fees under protest but the applicable protest fee was not paid
  - ☐ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
  - ☒ not complied with for the following reasons:

The matter common to the inventions of claims 1-15 is an air intake device that is provided above an engine, that has a first member having a first space connected to the air, a second member having a second space connected to the engine and a throttle body, and a third member covering the first space of the first member and the second space of the second member and having a third space connecting the first space and the second space, and where at least either the second space or the third space is placed at a position adjacent to the first space. However, the search has revealed that the air intake device is disclosed in JP 2003-239815 A (Nissan Motor Co., Ltd., Kabushiki Kaisha Maretenekkus), 27 August, 200 (27.08.03), entire text, Figs.1-5, and therefore the device is not novel.

This means the common matter makes no contribution over the prior art, and therefore the common matter (the air intake device constituted of the first member, second member, and third member) is not a special technical feature within the meaning of PCT Rule 13.2, second sentence.

As a consequence, there is no matter common to all the inventions of claims 1-15. Within the meaning of PCT Rule 13.2, second sentence, a special technical feature and the other common subject matters that it is conceivable cannot find technical connection in a meaning of PCT rule 13 between those inventions to differ in what there is not.

Therefore, it is clear that invention concerning scope of claim 1-15 does not satisfy a matter of unity of invention.

4. Consequently, this opinion has been established in respect of the following parts of the international application:
- ☒ all parts
  - ☐ the parts relating to claims Nos. \_\_\_\_\_

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**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1-3, 6-11, 13	YES
	Claims	4-5, 12, 14-15	NO
Inventive step (IS)	Claims	14-15	YES
	Claims	1-13	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims		NO

## 2. Citations and explanations:

Document 1: JP 2003-239815 A (Nissan Motor Co., Ltd., Kabushiki Kaisha  
Maretenekkusū)  
2003. 08. 27, Full text; Figs.1 to 5

Document 2: Microfilm of the specification and drawings annexed to the request of  
Japanese Utility Model Application No.151012/1988 (Laid-open  
No.72356/1990) (Kubota Tekko Kabushiki Kaisha)  
1990. 06. 01, Full text; Figs. 1, 4

Document 3: JP 2002-206465 A (Denso Corp., Toyota Motor Corp.,)  
2002. 07. 26 Full text; Figs 1to 2

Document 4: JP 2000-227057 A (Mazda Motor Corp.),  
2000.08.15, Par. No. [0041]; Figs.1,4

About scope of claim 1-3, 6-11, 13

Invention mentioned in scope of claim 1-3, 6-11, 13 does not have novelty from documents 1 quoted in international search report.

To documents 1, it is an intake device comprised in the engine upper part, and a thing comprising Part 3 materials covering a second member (24) and a first member and a second member a first member comprising a filter (22) and an engine are contacted in communication with the atmosphere inside, and to offer a throttle body inside (25) is described, there is not a difference in constitution in this invention and the invention mentioned in scope of claim 1-3, 6-11.

In addition, like invention described in scope of claim 13, it is matter of workshop modification to couple with a first member by means making have a second member.

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## Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

About scope of claim 4

Invention described in scope of claim 4 does not comprise inventive step than documents 1 quoted in international search report and documents 2.

It is self-evident for a person skilled in the art to apply technology comprising resonator common to an air cleaner case mentioned in documents 2 to an intake device mentioned in documents 1.

About scope of claim 5

Invention described in scope of claim 5 does not comprise inventive step by documents 1 quoted in international search report and documents 3. The technology that serves as a cylinder head cover with an air cleaner case mentioned in documents 3, it is self-evident for a person skilled in the art to apply to an intake device mentioned in documents 1.

About scope of claim 12

Invention described in scope of claim 12 does not comprise inventive step by documents 1 and documents 4 quoted in international search report. It is self-evident for a person skilled in the art to apply technology to install a controlling board mentioned in documents 4 in the air cleaner case inside to an intake device mentioned in documents 1.

About scope of claim 14-15

Invention concerning scope of claim 14-15 is not mentioned in documents of a gap which want to be quoted in international search report either, then it is not a self-evident person for a person skilled in the art.